



# Summary of Workshop I



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Orange County Permit  
Workshop II  
August 8, 2001

# Workshop I

(July 19, 2001- Mission Viejo)

- 54 people in attendance.
- All 13 Copermittees represented.
- 100 questions and comments submitted.
  - 56 were answered during the Workshop
  - 44 are answered in writing in Workshop II (handout).
- All questions and comments received will be addressed prior to adoption.

# Areas of Concern

- Workshop I participants identified four areas of greatest concern:
  - Existing Development (section F.3)
  - Receiving Water Limitations (section C)
  - Land Use Planning for New Development and Redevelopment (section F.1)
  - Findings and Prohibitions (sections A and B)
- These will be addressed in more detail today.

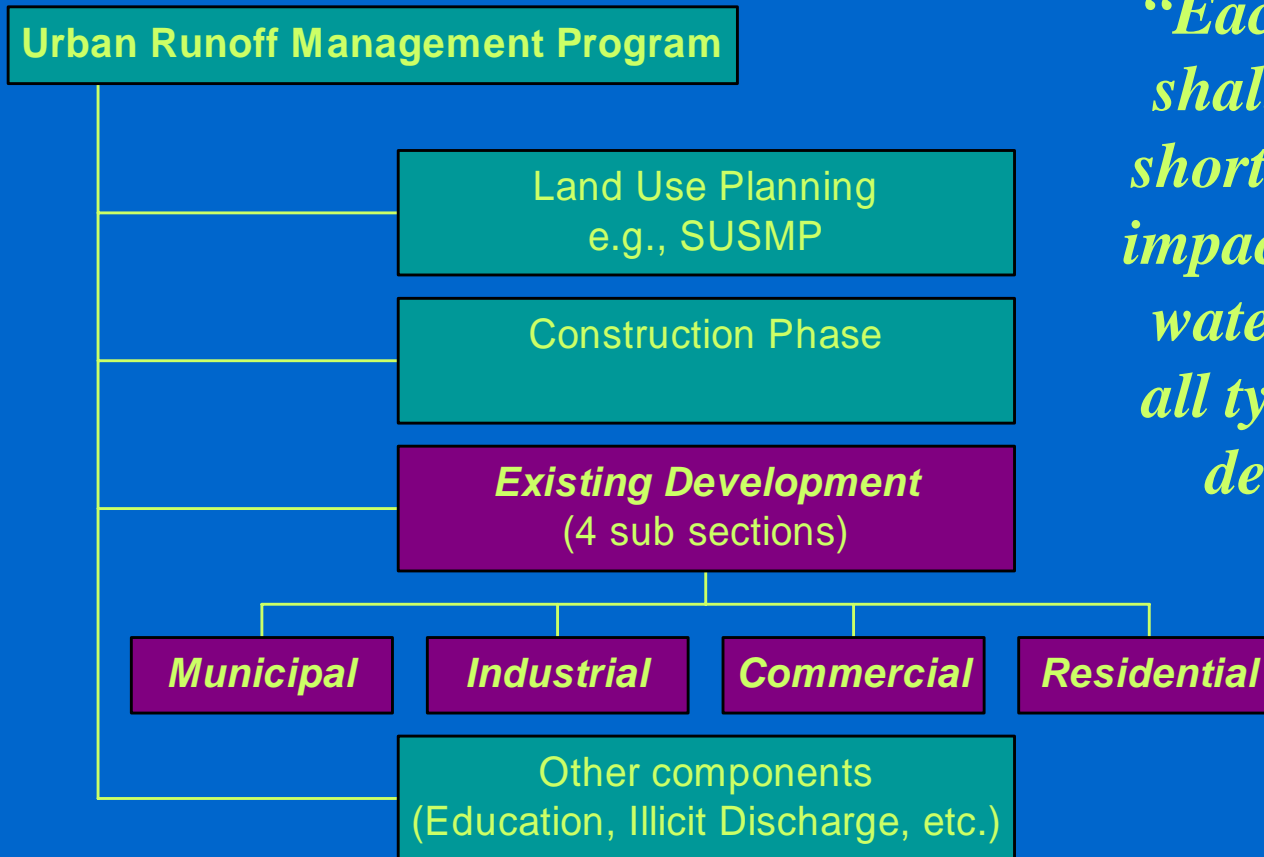
## Existing Development

# Orange County Permit Workshop

# August 8, 2001



## F.3 *Existing Development*



*“Each Copermittee shall minimize the short and long-term impacts on receiving water quality from all types of existing development.”*

# Overview of Presentation

- At Workshop I Existing Development (F.3) received most votes for further discussion
- Written comments are addressing:
  - DAMP (Drainage Area Management Plan)
  - Industrial / commercial sites
  - Residential activities
  - Private laterals (F.5.f) & Homeowners Associations (F.6)

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• Existing Development

## Federal Requirements

- EPA Requires:
  - Reduce pollutants from industrial, commercial, residential areas.
  - Detect and eliminate non-storm water discharges to the storm sewer system.
  - 40 CFR 122.26 is available from  
**<http://www.access.gpo.gov/>**

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### *F.3 Existing Development*

## The DAMP

Q. Does the DAMP sufficiently address urban runoff from existing development?

A. The DAMP lacks the specificity required at the local level to reduce Urban Runoff discharges to the Maximum Extent Practicable (MEP).

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*The DAMP and F.3 Existing Development*

## Pollution Prevention & BMP Implementation

- DAMP attempts to assess the cumulative effect of BMPs employed countywide.
- The Tentative Order requires BMPs to be assessed at the jurisdictional level.

## Tentative Order - BMP Implementation

- Designate BMPs for each development type, as appropriate for local conditions
- Ensure BMPs are used for High Threat sites and activities in each jurisdiction

# Industrial Federal Requirements

- EPA requires local coverage of industrial sites that pollute through MS4:
  - Monitor and control pollutants
  - Identify priorities & procedures for inspections and implementing BMPs
- Industrial co-regulation
  - Municipalities are the lead permitting authority, thus are lead enforcement. Must enforce own ordinances and permits.

# DAMP - Industrial / Commercial

- DAMP provides:
  - selected BMP guidance
  - development of business education strategy
  - 1992 notified businesses of Industrial Permit requirements
- DAMP relies on various County agencies for inspections of industrial / commercial sites
  - No verification of visits, priority sites, findings
  - Education and BMPs guidelines not based on local needs

## Tentative Order - Industrial/Commercial

- Tentative Order requires permittees to inventory their commercial / industrial activities to more efficiently target high priority areas for potential discharges.
- Commercial: Designate BMPs, inspect, enforce, and educate
- Industrial: Designate BMPs, monitor, inspect, enforce, report, and educate

## Tent. Order - Inspection & Enforcement

- Minimum inspection frequencies for some types of existing development, based on threat to water quality
  - Follow-up actions
  - Report non-compliant industrial sites, but don't need to duplicate Regional Board inspections
- Enforce local storm water ordinance

# Residential Areas

- Federal:
  - Structural and source control measures to reduce pollutants
  - Address activities found to be significant sources
- DAMP: Significant source reduction activities, but data shows still a source.
- Tentative Order: Prioritize, implement BMPs, enforce, and educate

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- *F.5 Illicit Discharge Detection & Elimination*

## Private Laterals

- Federal: describe procedures to prevent, contain, and respond to spills that may discharge into the MS4.
- DAMP: Does not address private laterals
- Tentative Order: Prevent and Respond to Sewage and Other Spills
  - private laterals can be a significant source of discharges
  - educate and enforce

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Component of J-URMP

## *F.6 Common Interest Areas and Homeowner Associations*

- DAMP: New HOA developments are addressed in DAMP
- Tentative Order: asks for assurances that urban runoff from existing HOA areas is being adequately managed



# General

- Section F.1 provides minimum requirements to address urban runoff from for all development and redevelopment projects
- Copermitees have discretion to add to these requirements to address their priorities
  - Example: DAMP has no minimum development size criteria for projects

# SUSMPs

- Permit requires Standard Urban Storm Water Mitigation Plans (SUSMPs) on both a watershed and jurisdictional levels
  - Model SUSMP
  - Local SUSMP including amended ordinances
- Local SUSMP needed to address local issues and priorities
  - Example: Municipality may be built out

# SUSMP Categories

- The 10 categories of Priority Development Projects listed in the Permit are subject to SUSMP requirements
  - Environmentally Sensitive Areas
  - Retail Gasoline Outlets (5,000 square foot criteria)
- Tentative Order gives discretion to Copermittees to add other development categories

# BMP Requirements

- Copermittees must develop a list of recommended structural BMPs
- These structural BMPs must meet numeric sizing criteria to effectively reduce pollutants in runoff to MEP
  - Based on Volume *Or* Flow of runoff

# Model SUSMPs

- Must Address Copermittee Consistency
  - Process to identify Pollutants or Conditions of Concern
  - SUSMP implementation process

# Infiltration BMPs

- Infiltration BMPs are allowed not required
  - Infiltration Restrictions do apply (Based on EPA guidance)
  - Copermittees can develop alternative restrictions in model and local SUSMPs

# DAMP vs F.1

- DAMP inadequate for Section F.1 due to:
  - Lack of detail
  - Emphasis only on countywide program
  - No Numeric Design Criteria for Structural BMPs
  - Does not address Downstream Erosion
  - List of structural treatment BMP incomplete

# BMP Resources

- EPA Preliminary Data Summary of Urban Storm Water BMPs
  - [www.epa.gov/OST/stormwater](http://www.epa.gov/OST/stormwater)
- Urban Runoff Quality Management WEF/ASCE
  - [www.wef.org](http://www.wef.org)
- Maryland Storm Water Design Manual
  - [/www.mde.state.md.us/environment/wma/stormwatermanual/](http://www.mde.state.md.us/environment/wma/stormwatermanual/)
- Los Angeles County Department of Public Works Development Planning for Storm Water Management
  - <http://dpw.co.la.ca.us/epd/>
- NRDC Stormwater Strategies Report
  - <http://www.nrdc.org/water/pollution/storm/stoinx.asp>
- CALTRANS BMP Pilot Study
  - [http://www.dot.ca.gov/hq/env/stormwater/ongoing/bmp\\_retrofit/index.htm](http://www.dot.ca.gov/hq/env/stormwater/ongoing/bmp_retrofit/index.htm)

# Findings

- Significant concerns expressed regarding the following Findings:
  - Finding 6 - Urban Runoff is a Human Health Threat.
  - Finding 8 - Urban Streams as an MS4 Component.
  - Finding 17 - Three Phases of Development.
  - Finding 41 - Report of Waste Discharge.

# Section A: Prohibitions

- Discharges into and from MS4s that cause or threaten to cause pollution or nuisance (CWC 13050) in waters of the State.
- Discharges that cause or threaten to cause exceedances of receiving water quality objectives.
- Discharges containing pollutants that are not reduced to the maximum extent practicable.
- Basin Plan prohibitions.

# Legal Support for Prohibitions (Section A)

- Discussed extensively in the Fact Sheet
- Broad Legal Authority
  - CWA 402(p)(3)(B)(ii-iii)
  - CWC 13377
  - 40 CFR 122.26(d)(2)(I)(B,C,E, and F)
  - 40 CFR 122.26(d)(2)(iv)

# Prohibitions Discussion

## (Section A)

- Prohibition A.1 - Characterizes a basic premise and the primary goal of the Tentative Order.
- Prohibition A.2 - Addresses the protection of the beneficial uses of receiving waters.
- Prohibition A.3 - Implements CWA and NPDES regulations (MEP).
- Prohibition A.4 - Implements the Basin Plan Prohibitions of Attachment A.

## Section B: Prohibitions

### Non Storm Water Discharges

- All discharges not entirely composed of storm water are prohibited.
- Specific exemptions identified in section B.2
  - Non Storm Water, Non Prohibited Discharges
- Section B.3 describes how the Copermittees shall manage “B.2 discharges” that are significant sources of pollution.

# Legal Support for Section B

- Discussed extensively in the Fact Sheet
- Broad Legal Authority
  - CWA 402(p)(3)(B)(ii-iii)
  - CWC 13377
  - 40 CFR 122.26(d)(2)(I)(B,C,E, and F)
  - 40 CFR 122.26(d)(2)(iv)

# Prohibitions Discussion

## (Section B)

- Section B.1 prohibits all discharges not entirely composed of storm water.
  - Unless authorized by a separate Permit; or
  - Are specifically exempted in accordance with sections B.2 and B.3
- Section B.2 is a list of allowed non storm water discharges

# Prohibitions Discussion

## (Section B)

- Section B.3 describes Copermittee responses to B.2 discharges that are sources of pollution:
  - Prohibit the discharge from entering the MS4; or
  - Not prohibit the discharge, but require the implementation of BMPs to the MEP; and
  - Report the RWQCB within 180 days the type of discharge above that will not be prohibited and the BMPs that will be implemented.

# Prohibitions Discussion

## (Section B)

- Section B.4 refers to Fire Fighting activities
- Section B.5 refers to Dry Weather Monitoring Program results.
  - Field inspections, screening and analytical data can be used to assess the B.2 discharges as a source of pollutants.
  - Trigger follow-up investigations.

# Section C: Receiving Water Limitations

- Section C contains precedential language handed down by the SWRCB and USEPA to be included in all MS4 permits (Order WQ. 98-01 and Order WQ 99-05).
  - BMPs shall be implemented.
  - Increasing in stringency and implemented in an iterative process.
  - Supported by *Defenders of Wildlife vs. Browner (1999)*
  - Final SWRCB position is that the Order WQ 99-05 language shall be included in all MS4 permits.